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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARKUS WILSON and DOUG
CAMPEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

Case No. 3:12-CV-01586-SC

**STIPULATION EXTENDING TIME TO
RESPOND TO THE SECOND AMENDED
COMPLAINT; STIPULATION AND
~~PROPOSED~~ ORDER CONCERNING
DISCOVERY AND TO CONTINUE THE
CASE MANAGEMENT CONFERENCE**

WHEREAS, on May 1, 2013, Plaintiffs filed their Second Amended Complaint;

WHEREAS, on June 7, 2013, Defendant filed a Motion to Dismiss the Second Amended Complaint;

WHEREAS, on October 24, 2013, this Court granted in part and denied in part Defendant's Motion to Dismiss;

WHEREAS, absent an extension, Defendant's deadline to answer the Second Amended Complaint is currently November 7, 2013;

WHEREAS, Plaintiffs and Defendant agree that the time for Defendant to answer the Second Amended Complaint shall be extended twenty-nine (29) days to and including December 6, 2013,

pursuant to Local Rule 6-1(a), which permits parties to enter into written stipulations extending the time in which Defendant must answer a complaint without Court approval;

WHEREAS, Plaintiffs request to serve discovery after Defendant answers the Second Amended Complaint, and Defendant does not oppose this request, provided that Defendant's responses shall not be due until January 30, 2014 (assuming that Plaintiffs serve their requests before December 31, 2013);

WHEREAS, this Court related the above-captioned matter to *Figy v. Frito-Lay North America, Inc.*, No. 13-CV-3988 ("*Figy*"), on October 15, 2013;

WHEREAS, counsel for the parties have conferred and the parties agree that it would preserve judicial and party resources to continue the Case Management Conference in the above-captioned matter, currently scheduled for November 15, 2013, until January 24, 2014, to coincide with the Case Management Conference scheduled for that day in *Figy*;

IT IS HEREBY STIPULATED AND AGREED that Defendant shall have up to and including December 6, 2013, to answer the Second Amended Complaint. Nothing in this Stipulation shall be construed as a waiver of any of Plaintiffs' or Defendant's rights, defenses, or arguments they would otherwise have; and

IT IS ALSO HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

- The parties may serve discovery immediately after Defendant answers the Second Amended Complaint;
- The parties' responses to any discovery requests served prior to December 31, 2013 shall not be due until January 30, 2014;
- The Case Management Conference scheduled in the above-captioned matter for November 15, 2013, is continued until January 24, 2014; and
- The parties will submit a joint case management statement in the above-captioned matter on or before January 17, 2014.

In accordance with N.D. Cal. Local Rule 5-1, the filer of this document hereby attests that the concurrence to the filing of this document has been obtained from the other signatories hereto.

1 Dated: November 6, 2013

Gibson, Dunn & Crutcher LLP

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3 By: /s/ Andrew S. Tulumello
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9 Dated: November 6, 2013

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23 **PURSUANT TO THIS STIPULATION, IT IS SO ORDERED.**

24 Date: 11/07/2013

Hon. Samuel

